1908-011 Chancery Causes: Powell's Valley Bank] vs. E. W. Dunnigan &
Lee Co.

Ely, Wilder, C. W. Ely & Co], Joslyn, Haveley, Flanary

CA - Debt
T - Property

TO the Honorable H. A. W. Skeen, Judge of the Circuit Court For Lee County:

Humbly complaining your orator , the Powell's Valley Bank, a corporation would respectfully represent and show unto your honor as follows; that on the 3rd day of January, 1907, Thomas Wilder and E. W. Dunnigan executed their negotiable note payable to the said Powells Valley Bank for the sum of $100.00 which became due and payable on the 3rd day of May, 1907, and by the terms of said note agreed and bound themselves in case said note should not be paid and should be placed in the hands of attorneys for collection, to pay the further sum of ten per cent thereon as attorneys fee which was agreed to be added to and become a part of any judgement that might be rendered upon said note, on which said note the said Wilder on the 29th day of August, 1907, paid the sum of $50.00 on the principle, and the interterest on the whole note to said 29th day of October, and the remainder of said note is still due, owing, and unpaid, and the same has been placed in the hands of Pennington Bros., Attorneys, for collection, and there is now remaining due upon the said notes including the said attorney fee, the sum of $53.50.

Your orator would further represent and show unto your honor that on the 6th day of May, 1907, the said E. W. Dunnigan executed his other note to the said Powells Valley Bank for the sum of $50.00 payable thirty days after date, and by which said negotiable note, the said Dunnigan bound himself to pay not only the principle of said debt, but in case the same should be placed in the hands of an attorney for collection, to pay the further sum of ten per cent attorney fees which should be added to and become any part of any judgement that may be rendered thereon, and your orator further represents and will show unto your honor that the said note was endorsed and guaranteed for payment by A. M. Ely, as will appear by the said note which is filed with this bill.

Your orator would further represent and show unto your honor that said note is still due,owing and unpaid, and has been placed in

the hands of Pennington Bros, Attorneys, for collection.

Your orator would further represent and show unto your honor that on the 19th day of March, 1907, the said E. W. Dunnigan, C. W. Ely, and T. J. Ely, executed their negotiable notes payable to the said Powells Valley Bank for the sum of $100.00, payable sixty days after date, and further agreed that in case said note should be placed in the hands of an attorney for collection, to pay the further sum of ten per cent attorneys fee, which should be added to and become a part of said judgement.

Your orator represents and will show unto your honor that the said note has not been paid, and that the same is still due, owing, and unpaid, together with the interest thereon from the date of maturity, and has been placed in the hands of Pennington Bros. Atty's for collection.

Your orator would further represent and show unto your honor that on the 17th day of January, 1907, the said E. W. Dunnigan executed his negotiable note payable to C. W. Ely,& Co., a firm composed of C. W. Ely and T. J. Ely, partners in trade, whereby the said E.W. Dunnigan agreed to pay to the order of the said C. W. Ely & Company, the sum of $40.00 six months after date thereof, with interest thereon from date, which said note before the same became due and payable to-wit on the day and year last aforesaid, for valueble consideration endorsed and assigned to the said Powell's Valley Bank by the certain endorsement of the said C. W. Ely and Co., and which said note as aforesaid is still due, owing, and unpaid.

Your orator would further represent and show unto your honor that on the 19th day of September 1906, the said C. W. Ely, T. J. Ely, and E. W. Dunnigan executed a certain other negotiable note payable to Robert Haverly or order for the sum of $100.00, payable twelve months after date, with interest from date, which said note before the same became due and payable to-wit, on the day and year last aforesaid by writing endorsed thereon for valuable consideration assigned the said note to the Powell's Valley Bank, which said note has been placed

in the hands in the hands of Pennington Bros, Attorney's, for collection.

Your orator would further represent and show unto your honor that all of the said notes as aforesaid waive the benefit of the homestead as to each of the said makers and endorsers, as will more fully appear by the said notes with this bill marked as exhibits "A", "B", "C", "D", and "E", respectively, and in the order mentioned above.

Your orator would further represent and show unto your honor that E. W. Dunnigan is removing, or is about to remove, ut of this state with the intent to change his domicile; and is removing, intends to remove, and has removed the proceeds of the sale of his property, or a material part of his estate, or the proceeds out of this state, so that process of execution on a judgement when obtained in this suit, would be unavailing with the ordinary process of law; is converting, and is about to convert, and has converted his property of whatever kind, or some part thereof in the money securities, or evidences of debt with the intent to delay, hinder, and defraud his creditors; and has assigned and disposed of, or is about to assign and dispose of, his estate or some part thereof, with intent to hinder, delay, and defraud his creditors.

Your orator would further represent and show unto your honor that the said Dunnigan is the owner of a certain interest in a tract of land situated in Lee County, Virginia, about three or four miles west of the town of Jonesville, on which the said Dunnigan, his brother, and his sister now resides, which said tract of land contains about 150 acres, and is more fully described by a copy of the Will of William S. Burk herewith filed as aforesaid, and asked to be taken as part hereof.

Your orator represents that the said E. W. Dunnigan has sold, or is about to sell, and has conveyed, or is about to convey, said tract of land to one Frank R. Ely, and that the whole consideration which

the said Ely is to pay to the said Dunnigan, his brother, and sister, is the sum of $1800.00, the said Dunnigan being entitled to one-third thereof.

Your orator further represents and will show unto your honor that it is the intention of said Dunnigan to leave the state of Virginia, and to change his domicile, and to remove out of the state permanently, and to this end he is disposing of his said real-estate, also of personal property which he has, and is converting said property into money, security, and evidences of debt with the intent to hinder, delay, and defraud his creditors.

While your orator is informed that the said Dunnigan has made a deed to the said one-third interest in said tract of land to the said Frank R. Ely, it alleges that the said deed has not yet been delivered, and that the said sale is not finally consumated.

Your orator would further represent and show unto your honor that the said T. J. Ely who signed two of the said notes aforesaid, has, since the signing of said notes, departed this life intestate, and his estate has been committed to administration to John W. Ely, a son.

The premises considered your orator is informed that it has a right to maintain a bill in chancery for the purpose of attaching the said property of the said E. W. Dunnigan, for the purpose of securing the payment of said notes as aforesaid. That it also has a right to make the said endorsers parties to this suit, and in the event thereof that the person is unable to pay the said note, or for any reason your orator fails to make the money off of said persons, it would have a right to have decreed against the said parties, a personal judgement for any difference that might remain due and owing upon the said notes as aforesaid, after the property of the said Dunnigan shall have been exausted. Your orator is also advised that it has the right to make the said Frank R. Ely a party to this suit, so that in case the said sale should have been consumated at the time of issuing process in this suit, that any money which may be in the hands of said Ely going

to the said Dunnigan, may be held to secure the payment of the said debts as aforesaid.

Your orator is also informed that C. E. Flanery has an unsatisfied deed of trust against the said land to secure the payment of $150.00. That will more fully appear by a copy of the deed of trust from said Dunnigan to H. C. Joslyn as Trustee, herewith filed as part of this bill as exhibit "C".

The prayer therefore of your orator is that the said E. W. Dunnigan, Thomas Wilder, Frank R. Ely, C. W. Ely, John W. Ely, admr. of the estate of T. J. Ely, deceased, and R.D. Mavely, and Charles. E. Flanary, and Trustee, be made parties defendant to this bill of complaint, and be required to answer the same, but not under oath, answer under oath being expressly waived, that the said real-estate belonging to the said Dunnigan be attached to secure the payment of said notes as aforesaid, and a sale directed by this court to be made hereof for the purpose of paying said debts, or so much thereof as may be necessary to satisfy the same, and the costs of this suit, that a personal judgement be rendered against the said Dunnigan and each of said endorsers and securities on the said notes for the several amounts which is due thereon, and that in case after the said property of said Dunnigan shall have been sold to satisfy the same of these debts, and shall have been applied to the payment thereof, if there remains any balance, the said securities be required to pay whatever sum the said property of the said Dunnigan shall fail in making the payments; that the said Frank R. Ely be made to answer whether or not any sale of said property has been made to him, and if so, for what amount, and whether or not he has paid the said Dunnigan any money, that if there should have been made any sale to the said Ely, that the same be declared null and void as to the said debts as aforesaid, that your orator be permitted to file its lis pendens against the said property, and have the same duly recorded in the office of the clerk of this court in proper deed book, and that all other, further, and general relief be granted your orator that the

nature of its cause and good conscience requires, and it will ever pray &c.

Pennington Bros P.Q.

Virginia, L e County, to-wit:

I, W. C. T. Ewing, Clerk of the Circuit Court for Lee County do hereby certify that Robert L. Pennington, Attorney and Agent for the Powell's Valley Bank, a plaintiff in this cause, this day made oath before me that the statements made in the foregoing bill of complaint, are true to the best of his knowledge and belief.

Given under my hand this the 8th day of February, 1908.

W. C. T. Ewing Clerk.

Costs: Jan 27-12
Clerk 6.73.
Atty 15.00
$21.73

Pennis Valley Bank

vs. } Bill in Chan

E. W. Dunnagan et al

Filed Feb. 6, 1908, at 4:35 P.M. central time.
W. O. Ewing
Clerk.

Dismissed at Relator
1908 1st Mch Relator
Dismissed by order of Pltf.

Pennington Bros.
ATTORNEYS AT LAW.
JONESVILLE AND PENNINGTON GAP VA.

Powell's Valley Bank &c

v. In Chancery

W. M. Venable et al

1903. 2nd October rules Bill filed. Spa executed & D. N.

" 1st November rules held the last Monday in October D. N. Confirmed and Cause set for hearing.

Powell's Valley Bank &c

v.

W. M. Venable &c

Know all men by these presents that the Powell's Valley Bank, a Corporation, plaintiff in the hereinafter styled cause do hereby give notice of lis pendens and attachment by this memoranda which sets forth as follows: There is now pending in the Circuit Court of Lee County a certain Chancery suit, the title to which is Powell's Valley Bank against E. W. Dunnigan and others. The general object thereof is to attach all the estate of E. W. Dunnigan, and especially said real estate owned by him as hereinbefore described for the purpose of securing the payment of several notes and interest thereon amounting in the aggregate to the sum of $381.20 with interest thereon as set forth in the plaintiff's bill, The description of the land is as follows: A tract of land situated in Lee County, Virginia about three or four miles westward from the town of Jonesville, and being a one-third undivided interest in the land which was Willed to the said E. W. Dunnigan, Thomas Dunnigan, and Ida Dunnigan, by the Will of William S. Burk, and described as the 150 acre tract, to which said Will reference is here made, and which is recorded in Will book No. 4, page 330; and thename of the person whose estate is intended to be affected by this suit, is that of E. W. Dunnigan and Frank R. Ely.

Given under my hand this the 6th day of February, 1908, as Vice-President of the Powells Valley Bank.

Powells Valley Bank by

Robt L Pennington Vice-President.

State of Virginia, County of Lee, towit:

I, W. C. T. Ewing, clerk of the Circuit Court for Lee County do hereby certify that Robt. L. Pennington, whose name is signed to the writing above as V.President of the Powell's Valley Bank, bearing date on the 6th day of February, 1908, has this day acknowledged the same before me in my county and state aforesaid, both on behalf of himself and as one of the several officers of the said Powell's Valley Bank.

Given under my hand this the 6th day of February, 1908.

W. C. T. Ewing, Clerk.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 6th day of February, 1908, the foregoing lis pendens was presented, and together with the certificate annexed, admitted to record. at 4:35 o'clock P.M. Central time. Teste: W. C. P. Ewing, Clerk.

Rural Valley Land Co

to

E. H. Simmons et ux

Filed Feb. 6, 1908 at
4:35 P.M. central time,
W. C. P. Ewing,
Clerk.

Recorded in Deed
Book 46, Page 512
Examined Feb. 6. 1908
Indexed.

Clerk $1.25

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 242--Affidavit for Attachment.

In the Circuit Court of the County of Lee

Powers Valley Bank v. a Corporation Plaintiff

against

E. H. Dunnigan, Frank R. Ely, C. H. Ely, J. M. Ely, Agnes H. C. Jolyn Porter, Robt B. Harvey & C. E. Flannery Defendant

} In Chancery

Robt L. Pennington, Agt & Atty for Powers Valley Bank maketh oath and saith, that he believes the claim, for which the above entitled action is instituted, to be just; that he, the affiant, believes that Powers Valley Bank Co, is entitled to and ought to recover in said ~~action~~ suit— $381.20 (at the least), with interest thereon, to be computed at the rate of 6— per centum per annum, from the 6 day of Feby 1908 ~~189~~, till paid; and that to the best of his belief the said defendant : E. H. Dunnigan

1. ..... a foreign corporation, or ..... not a resident of this State, and ha estate or debts owing to said defendant within the ..... of ..... in which the action is or ..... sued with a defendant residing therein;

2. He removing or about to remove out of this State, with intent to change his domicile.

3. He removing, ~~or~~ intend to remove, ~~or~~ ha e removed .....

His own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will be unavailing;

4. He converting, ~~or~~ about to convert, ~~or~~ ha e converted, his property or some part thereof into money, securities, or evidences of debt, with intent to hinder, delay ~~or~~ defraud his creditors.

5. Ha s assigned or disposed of, ~~or~~ he about to assign ~~or~~ dispose of, his estate, or some part thereof, with intent to hinder, delay ~~or~~ defraud his creditors.

Robt L. Pennington

Subscribed and sworn to before me, this 6 day of Feby 1908 ~~189~~.

W. C. T. Ewing Clerk

Form No. 242.

Powells Valley Bank, Inc.

vs. } AFFIDAVIT FOR ATTACHMENT.

E. V. Dunigan, et al

Filed the 6" day of February 1918.

W. C. T. Ewing,
Clerk.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. H. Dunigon, Thomas Wilder, W. Ely, ~~J. Ely~~ W. M. Ely, Adms of the estate of T. J. Ely Decd, Robert B. Hovely, C. E. Tenney and N. C. Jarvis, Trustees,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st Monday in March 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powell's Valley Bank, a corporation,

And have then there this writ. Witness, ~~A. B. MUNSEY,~~ H. G. Ewing Clerk of our said Court, at the court-house, the 6th day of February 1908, and in the 132 year of the Commonwealth.

H. G. Ewing, Clerk.

Commonwealth of Virginia

To the Sheriff of the County of Lee, Greeting:

Whereas the Powell's Valley Bank, Incorporated, in the Clerk's office of our Circuit Court of Lee County, this day file & its bill in equity against E. H. Dunigan Frank R. Eley, C. H. Eley, J. M. Eley, Exrs. of J. J. Eley, Robt B. Bowley, C. E. Fleming & W. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. H. Dunigan due & owing to a debt; and

Whereas, Robt L. Pennington, agent & attorney for Powell's Valley Bank, Incorporated, plaintiff in the said bill has before me in my said office in the County of Lee State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due & payable, that the affiant believes that the plaintiff is entitled & ought to recover the sum of $381.20, & that to the best of the affiant's belief the said defendant E. H. Dunigan,

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate & the proceeds of the sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, & the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting his property & estate into kinds into money & evidences of debt with intent to hinder delay & defraud his creditors; and

(6) Is about to convert his property & estate into kinds into money or evidences of debt with intent to hinder delay & defraud his creditors; and

(7) Has disposed & is about to dispose of his estate with intent to hinder delay & defraud his creditors; and

Whereas, upon such affidavit the said plaintiff doth now require me to endorse on a summons & order to whom it is directed to attach the estate of the said E. H. Dunigan, & any sum of money the said Frank R. Eley may owe to the said Dunigan;

Therefore we order & command you that you attach the estate above mentioned also the real estate & other estate of the said E. H. Dunigan & such estate so attached in your hands to secure, so that the same may be forthcoming & liable to further proceedings on the first day of the next May Term thereof to which you on that day make return of how you have executed the same. Witness H. C. Ewing Clerk of the Circuit Court for Lee County on the 6th Day of April 1908.

H. C. D. Ewing, Clerk.

Form No. 300

SUBPŒNA IN CHANCERY.

Powell's Valley Bank

vs.

E. H. Dunigan, et als

P. q.

To Ret March Rules

Lee Circuit Court.

1908

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. T. Lunigan, Thomas Wilder, C. T. Ely, J. T. H. Ely, Admr. of the estate of T. J. Ely, deceased, Robert D. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st. Monday in March, 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at the court-house, the 6th. day of February, 1908, and in the 132 year of the Commonwealth.

H. C. P. Ewing,
Clerk.

A Copy Teste:
H. C. P. Ewing, Clerk.

H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary and H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent and attorney for the Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee and State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiant's belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan;

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such estate so attached in your hands to secure, so that the same may be be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

Form No. 300

SUBPOENA IN CHANCERY.

vs.

p. q.

Rules

Lee Circuit Court

To

A copy,

Teste: H. C. T. Ewing, Clerk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. H. Ely, Admr. of the estate of T. J. Ely, deceased, Robert D. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st. Monday in March, 1908, to answer to a bill in chancery, exhibited against them ~~in mxx~~ in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness. H. C. D. Ewing, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 6th. day of February, 1908, and in the 132 year of the Commonwealth.

A Copy Teste: H. C. D. Ewing, Clerk.

H. C. D. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary and H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent and attorney for the Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee and State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiant's belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan;

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

Form No. 300

SUBPŒNA IN CHANCERY.

vs.

p. q.

To ..... Rules ..... Lee Circuit Court

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. M. Ely, Admr. of the estate of T. J. Ely, deceased, Robert B. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st. Monday in March, 1908, to answer to a bill in chancery, exhibited against them ~~in our~~ in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness, ~~A. B. Munsey~~ H. C. P. Ewing, Clerk of our said Court, at the court-house, the 6th. day of February, 1908, and in the ~~132~~ year of the Commonwealth.

A Copy Teste:
H. C. P. Ewing, Clerk.

H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary and H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent and attorney for the Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee and State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiant's belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan;

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

Form No. 390

SUBPOENA IN CHANCERY.

vs.

p. q.

Rules

To

Lee Circuit Court.

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. M. Ely, Admr. of the estate of T. J. Ely, Decased, Robt. B. Stanley, C. E. Flannery and H. C. Joslyn, Trustee

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st Monday in March 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powell Valley Bank, a Corporation

And have then there this writ. Witness, ~~A. B. Munsey~~ H. C. P. Ewing, Clerk of our said Court, at the court-house, the 6th day of February 1908, and in the 132 year of the Commonwealth.

A Copy Teste: H. C. P. Ewing, Clerk.

H. C. P. Ewing, Clerk. H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary & H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent & attorney for Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee & State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiants belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan:

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan, and such other estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

A copy,
Teste: H. C. T. Ewing, Clerk.

Form No. 300

SUBPŒNA IN CHANCERY.

vs.

p. q.

Rules

To Lee Circuit Court.

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. M. Ely, Admr. of the estate of T. J. Ely, deceased, Robert B. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st. Monday in March, 1908, to answer to a bill in chancery, exhibited against them ~~in our~~ in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness. ~~A. B. Munsey~~ H. C. P. Ewing, Clerk of our said Court, at the court-house, the 6th. day of February, 1908, and in the 132" year of the Commonwealth.

H. C. P. Ewing, Clerk.

A copy,

Teste: H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank P. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. D. Havely, C. E. Flanary and H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent and attorney for the Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee and State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiant's belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank P. Ely may owe to the said Dunigan;

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1906.

H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

Form No. 300

SUBPŒNA IN CHANCERY.

vs.

p. q.

To Rules Lee Circuit Court

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. M. Ely, Admr. of the estate of T. J. Ely, deceased, Robert B. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st, Monday in March, 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness H. C. J. Ewing, ~~A. B. MUNSEY~~, Clerk of our said Court, at the court-house, the 6th day of February, 1908 and in the 132" year of the Commonwealth.

H. C. J. Ewing Clerk.

A copy,
Teste: H. C. J. Ewing Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. W. Ely, Admr. of T. J. Ely, Robt. H. Havely, C. E. Flanary & H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent & attorney for Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee & State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.00, at least; and to the best of the affiants belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan:

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan, and such estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1900.

H. C. T. Ewing Clerk.

A copy,
Teste: H. C. T. Ewing, Clerk.

To ..... Sheriff of ..... County.

Lee Circuit Court. ..... p. q. Rules

SUBPENA IN CHANCERY.

vs.

Form No. 300

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, C. W. Ely, J. W. M. Ely, Admr. of the estate of T. J. Ely, deceased, Robert B. Havely, C. E. Flanary and H. C. Joslyn, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st, Monday in March, 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powells Valley Bank, a corporation,

And have then there this writ. Witness. ~~A. B. MUNSEY,~~ H. C. P. Ewing, Clerk of our said Court, at the court-house, the 6th day of February, 1908, and in the 132" year of the Commonwealth.

H. C. P. Ewing, Clerk.

A copy,
Teste: H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Office of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary & H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent & attorney for Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee & State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought to recover the sum of $381.20, at least; and to the best of the affiants belief the said E. W. Dunigan:

(1) Is removing out of this State with the intention to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that process of execution on a decree when obtained in said suit will be unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan:

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

A copy,
Teste: H. C. T. Ewing, Clerk.

Form No. 300

SUBPOENA IN CHANCERY.

vs.

To ... Lee Circuit Court. Rules ... p. q.

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 300.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Frank R. Ely, E. W. Dunigan, Thomas Wilder, L. W. Ely, J. W. M. Ely Admr. of P. J. Ely, Deceased, Robert B. Hardy, C. E. Delaney and H. C. Joslyn, Trustee

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st Monday in March 1908, to answer to a bill in chancery, exhibited against them in our said Court by Powell's Valley Bank, a Corporation

And have then there this writ. Witness, ~~A. B. MUNSEY~~, H. C. P. Ewing, Clerk of our said Court, at the court-house, the 6th day of February 1908, and in the 132 year of the Commonwealth.

A Copy Teste:
H. C. P. Ewing, Clerk.

H. C. P. Ewing, Clerk.

Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

Whereas, the Powells Valley Bank, Incorporated, in the Clerk's Offiee of our Circuit Court of Lee County, this day filed its bill in equity against E. W. Dunigan, Frank R. Ely, C. W. Ely, J. W. M. Ely, Admr. of T. J. Ely, Robt. B. Havely, C. E. Flanary & H. C. Joslyn, Trustee, for the purpose of having an attachment to secure and enforce this claim against E. W. Dunigan, et al, to a debt; and

Whereas, Robt. L. Pennington, agent & attorney for Powells Valley Bank, Incorporated, plaintiff, in the said bill has before me in my said office in the County of Lee & State of Va. made affidavit that the plaintiff's said claim is believed to be just, and is now due and payable; that the affiant believes that the plaintiff is entitled and ought ~~x~~ to recover the sum of $381.20, at least; and to the best of the affiants belief the said E. W. Dunigan:

(1) Is removing out of this State with the intent~~ion~~ to change his domicile; and

(2) Is about to remove out of this State with the intent to change his domicile; and

(3) Is removing his own estate and the proceeds of a sale of his property or a material part thereof out of this State, so that pro~~x~~cess of execution on a decree when obtained in said suit will be ~~xx~~ unavailing; and

(4) Intends to remove his estate, and the proceeds of the sale of his property, or a material part thereof out of this State so that process of execution on a decree when obtained in said suit will be unavailing; and

(5) Is converting and has converted his property of whatever kind into money and evidences of debt, with intent to hinder, delay and defraud his creditors; and

(6) Is about to convert his property of whatever kind into money or evidences of debt with intent to hinder, delay or defraud his creditors; and

(7) Has disposed and is about to dispose of his estate with intent to hinder, delay and defraud his creditors; and

Whereas, upon such affidavit, the said plaintiff doth now require me to endorse on a summon an order to whom it is directed to attach the estate of the said E. W. Dunigan, and any sum of money the said Frank R. Ely may owe to the said Dunigan:

Therefore, we order and command you that you attach the debt above mentioned also the real estate and other estate of the said E. W. Dunigan and such ~~xxxxx~~ estate so attached in your hands to secure, so that the same may be forthcoming and liable to further proceedings on the first day of the next May term thereof and that you on that day make return of how you have executed the same. Witness, H. C. T. Ewing, Clerk of the Circuit Court for Lee County, on the 6th day of February, 1908.

H. C. T. Ewing, Clerk.

A copy,
Teste: H. C. T. Ewing, Clerk.

Form No. 300

SUBPŒNA IN CHANCERY.

Powells Valley Bank

vs.

E. W. Dunigan et als

p. q.

To 1st Mond

Rules Lee Circuit Court.

Not executed
By orders of Mch
Mar Clerk Fee
Feb 11 1908
W. H. Sheriff